

Case 9:22-cv-00101-MAC-CLS Document 19 Filed 09/12/23 Page 1 of 2 PageID #: 101

EASTERN DISTRICT OF TEXAS

CECIL MAX-GEORGE,

Plaintiff,

versus

BRYAN COLLIER, *et al.*,

Defendants.

CIVIL ACTION NO. 9:22-CV-101

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Cecil Max-George, an inmate confined at the Polunsky Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying plaintiff's motion for preliminary injunction and temporary restraining order.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. As set forth in the Report, plaintiff's transfer to another unit rendered his claims for injunctive relief moot. *See Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001); *Cooper v. Sheriff, Lubbock Cnty, Texas*, 929 F.2d 1078, 1084 (5th Cir. 1991). Further, plaintiff has not clearly carried his burden of establishing either that a substantial threat exists that irreparable harm will result if relief is not granted or that the defendants violated his constitutional rights.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. It is

ORDERED that plaintiff's motion for preliminary injunction and temporary restraining order (#4) is **DENIED**.

SIGNED at Beaumont, Texas, this 12th day of September, 2023.

Handwritten signature of Marcia A. Crone in black ink.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE